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Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 19 September 2013 from the Permanent Representative of Mexico to the United Nations addressed to the Chair of the Committee

I have the honour to refer to your note dated 27 February 2013, in which you informed us that the Security Council Committee established pursuant to resolution 1540 (2004) was undertaking its annual review on the implementation of the resolution.

In this regard, the Permanent Mission of Mexico would like to transmit herewith the national report of Mexico detailing the steps taken by the Mexican Government since 2008 to comply with resolution 1540 (2004) and subsequent resolutions (see annex).

The Mission would also like to inform you that Mexico's new point of contact for the 1540 Committee is:

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Accept, Sir, the assurances of my highest consideration.

(*Signed*) Jorge **Montaño**
Ambassador
Permanent Representative of Mexico to the United Nations

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Annex to the letter dated 19 September 2013 from the Permanent Representative of Mexico to the United Nations addressed to the Chair of the Committee

Steps the Government of Mexico has taken to implement the regime established pursuant to United Nations Security Council resolution 1540 (2004)

National report (September 2013)

Mexico is committed to disarmament and the non-proliferation of nuclear, chemical, and biological weapons and their means of delivery and, as a result, is a party to the main instruments concerning disarmament and the non-proliferation of weapons of mass destruction and a participant in initiatives to prevent, combat and eliminate terrorism.

Recognizing that global threats require joint and comprehensive solutions, Mexico has also consistently encouraged international cooperation for the establishment of effective and efficient measures to prevent the proliferation of such weapons and the diversion of sensitive materials.

In this context, and resolute in its commitment, it has developed a comprehensive national strategy to strengthen its controls of transfers of technology, equipment and materials that might be used to produce weapons of mass destruction.

These steps have earned Mexico membership in three multilateral export control regimes: the Wassenaar Arrangement, the Nuclear Suppliers Group and the Australia Group.

Thanks to the measures it has taken to strengthen the strategic control of the international trade in dual-use goods and technology, Mexico has advanced in the consolidation of its export control system.

Since submitting its last report to the Security Council Committee established pursuant to resolution 1540 (2004) in January 2008, Mexico has taken the following steps, at the national level, to comply with its international commitments under the regime established by the aforementioned resolution.

Ratification of relevant international instruments

On 1 August 2012, the Government of Mexico deposited the instrument of ratification of the Amendment to the Convention on the Physical Protection of Nuclear Material, adopted in Vienna in July 2005.

On 4 March 2011, the Additional Protocol to the Agreement between the United Mexican States and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in relation to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean and the Treaty on the Non-Proliferation of Nuclear Weapons came into effect.

Regulatory developments

On 9 June 2009, the Federal Act to Control Chemical Substances Capable of Being Diverted to the Fabrication of Chemical Weapons was published in the Diario Oficial de la Federación (Official Gazette of the Federation). The Act establishes control measures for persons who prepare, produce, consume or transfer chemical substances that may be diverted, and the facilities, technology and specialized and ordinary equipment used for such activities.

The applicable measures are: registration, declaration, inspection, review and control of the import, export and transport of chemical substances.

The Act establishes a national authority, chaired by the Ministry of the Interior, to coordinate the activities of the federal executive branch in the field of chemical weapons, and imposes penalties ranging from prison sentences of 2 to 40 years and fines of 100 to 1,200 times the minimum daily wage for any person who:

- Transfers chemical substances to individuals or legal entities of States that are not parties to the Chemical Weapons Convention
- Produces, acquires, keeps, transfers or uses chemical substances for purposes other than those permitted by the Act
- Produces, acquires, keeps, transfers or uses chemical substances without the relevant authorization or in greater quantities than those authorized
- Produces chemical substances in facilities other than single small-scale facilities and alternate facilities authorized by the national authority
- Orders or requests the design, construction, equipping or financing of or conceals facilities designed for the performance of regulated activities for the purposes of diversion.

Establishment of the Mexican export control system for dual-use goods and technology

In 2010, through its High-level Specialized Committee on International Disarmament, Terrorism and Security, the Government approved Mexico's participation in the four multilateral export control regimes for dual-use materials and technologies: the Wassenaar Arrangement, the Australia Group, the Missile Technology Control Regime and the Nuclear Suppliers Group.

In order for Mexico to join these regimes, the federal Government established an interministerial mechanism for implementing operational and regulatory measures for the control of exports contained in the control lists of the aforementioned regimes, including the issuance of pre-export permissions, follow-up with industry, and compliance. The following export control regulations have been adopted.

Decision requiring the acquisition of a pre-export permit from the Ministry of Economic Affairs for conventional arms and parts and components thereof, dual-use goods, software and technologies that may be diverted to the manufacture and proliferation of conventional arms and weapons of mass destruction, published in the Official Gazette of the Federation on 16 June 2011

Under this decision, Mexican companies must apply to the Ministry of Economic Affairs for a pre-export permit for dual-use goods and obtain the relevant authorization for submission to the customs authorities at time of export. Clause 6 of the decision, known as the total inclusion or catch-all clause, also includes provisions that regulate goods identified by the competent authority as highly sensitive or as being related to a commercial transaction of a highly sensitive nature.

The decision also establishes the Dual-Use Goods, Software and Technologies Export Controls Committee, which is responsible for reviewing pre-export permit applications for sensitive and highly sensitive goods and for coordinating strategic communications among the federal Government agencies and actors involved.

The Committee also has the power to suggest to the competent authorities to carry out investigations and site visits related to alleged administrative infractions, for the purpose of imposing the corresponding administrative sanctions; to determine amendments to the control lists; and to establish new export control measures.

The agencies comprising the Committee are the Ministry of Economic Affairs (Chair); the Ministry of Defence; the Ministry of the Interior; the Ministry of Foreign Affairs; the National Nuclear Safety and Safeguards Commission; the Sanitary Authorization Committee of the Federal Commission for Protection against Health Risks; the Interministerial Commission for Controlling the Processing and Use of Pesticides, Fertilizers and Toxic Substances; the National Service for Agricultural and Food Health, Purity and Quality; and the Tax Administration Service.

Decision amending the instrument concerning the pre-export permit from the Ministry of Economic Affairs required for conventional arms and parts and components thereof, dual-use goods, software and technologies that may be diverted to the manufacture and proliferation of conventional arms and weapons of mass destruction, published in the Official Gazette of the Federation on 13 December 2011

This amendment complements the regulation on the scope of some of the tariff classifications (only the description of goods under the headings) contained in the annexes to the decision published on 16 June 2011, in order to provide users with legal security.

Decision establishing the classification and codes of goods whose import and export are subject to the authorization of the Ministry of Energy, published in the Official Gazette of the Federation on 2 March 2012

This decision establishes controls by setting out the requirement to obtain pre-import and pre-export permits from the Ministry of Energy, through the National Nuclear Safety and Safeguards Commission, for nuclear materials and fuels, radioactive materials, ionizing radiation equipment, dual-use equipment and goods

in the nuclear field and related technology that may be diverted to the manufacture and proliferation of conventional arms and weapons of mass destruction.

Decision amending the instrument of 2 March 2012 which establishes the classification and codes of goods whose import and export are subject to the authorization of the Ministry of Energy, published in the Official Gazette of the Federation on 18 June 2012

This amendment stipulates that when goods for export are likely to be trans-shipped or kept in transit, the applicant must add a sworn statement to the effect that the goods will not be diverted to a use, user or final destination other than those declared.

It must be shown that the receiving State applies the same guarantees demanded by Mexico for the initial export. The State must also provide formal guarantees that the exported goods will not be used in any activity not subject to safeguards that is related to nuclear arms or explosive devices, or to devices that spread radioactive material or material from the nuclear fuel cycle.

Decision amending and complementing the instrument of 28 January 2011 which outlines the formalities, services and forms administered by the Ministry of Health, through the Federal Commission for Protection against Health Risks, that are listed in the Federal Register of Formalities and Services of the Federal Commission for Regulatory Improvement, published in the Official Gazette of the Federation on 10 May 2012

The list of formalities, services and forms laid out in the decision includes applications for export permits and/or certificates issued by the Ministry of Health, through the Federal Commission for Protection against Health Risks, for pesticides, plant nutrients and toxic or hazardous substances.

Decision amending the instrument of 16 June 2011 concerning the pre-export permit from the Ministry of Economic Affairs required for conventional arms and parts and components thereof, dual-use goods, software and technologies that may be diverted to the manufacture and proliferation of conventional arms and weapons of mass destruction, published in the Official Gazette of the Federation on 7 June 2012

The decision includes the tariff classifications of goods included in the Nuclear Suppliers Group's lists: nuclear-related dual-use equipment, materials, software and related technology.

Under this decision, Mexican companies must apply to the Ministry of Economic Affairs for a pre-export permit for dual-use goods controlled by the Nuclear Suppliers Group and obtain the relevant authorization to carry out such transactions.

Decision amending the instrument of 16 June 2011 concerning the pre-export permit from the Ministry of Economic Affairs required for conventional arms and parts and components thereof, dual-use goods, software and technologies that may be diverted to the manufacture and proliferation of conventional arms and weapons of mass destruction, published in the Official Gazette on 22 October 2012

This decision incorporates into domestic regulations the tariff classifications of goods included in the Australia Group's control lists: (i) chemical weapons precursors; (ii) dual-use chemical manufacturing facilities and equipment and related technology and software; (iii) dual-use biological equipment and related technology and software; (iv) biological agents; (v) plant pathogens; and (vi) animal pathogens.

Under the decision, Mexican companies must apply to the Ministry of Economic Affairs for a pre-export permit for dual-use goods controlled by the Australia Group and to obtain the relevant authorization to carry out such transactions.

Decision establishing the classification and codes of goods whose import and export are regulated by the Ministry of the Environment and Natural Resources, published in the Official Gazette of the Federation on 19 December 2012

Point 5 of this decision includes thirteen substances on the Australia Group precursor chemicals list, which require prior authorization from the Ministry of the Environment and Natural Resources in order to be exported out of Mexico.

Decision amending the instrument of 16 June 2011 concerning the pre-export permit from the Ministry of Economic Affairs required for conventional arms and parts and components thereof, dual-use goods, software and technologies that may be diverted to the manufacture and proliferation of conventional arms and weapons of mass destruction, published in the Official Gazette of the Federation on 8 February 2013

This decision complements the list of chemical precursors controlled by the Australia Group, including their chemical abstract service numbers and their Chemical Weapons Convention schedule numbers.

Decision establishing the classification and codes of goods whose import and export are regulated by the agencies that comprise the Interministerial Commission for Controlling the Processing and Use of Pesticides, Fertilizers and Toxic Substances, published in the Official Gazette of the Federation on 12 April 2013

The decision identifies toxic substances that may be diverted, which require an export authorization from the Ministry of the Environment and Natural Resources, as well as those that require import and export authorization from the other agencies on the Interministerial Commission (Ministry of Agriculture, Rural Development, Fisheries and Food; Ministry of Health; and the Ministry of Economic Affairs).

Participation in non-proliferation and counter-terrorism initiatives

The aforementioned regulatory and policy changes have allowed Mexico to join three of the main multilateral export control regimes: the Wassenaar Arrangement in January 2012, the Nuclear Suppliers Group in November 2012 and the Australia Group in August 2013. Its application to join the Missile Technology Control Regime remains pending.

On 17 December 2012, Mexico joined the Group of Eight Global Partnership against the Spread of Weapons and Materials of Mass Destruction, after obtaining the unanimous support of its 24 members, becoming the first Latin American country to join this mechanism.

Mexico decided to join this initiative because it was convinced that doing so was consistent with its interest in participating actively and creatively in all global efforts to prevent the proliferation of weapons of mass destruction, their components and related technology, and to stop non-State actors from obtaining them and endangering international security and stability.

Mexico participated in the Nuclear Security Summit at the presidential level in 2010 and at the ministerial level in 2012, and has complied with all the commitments related to nuclear security, radiological security and the physical protection of nuclear materials it made at those meetings, namely:

- Replacing high-enriched uranium fuel with low-enriched uranium fuel in the National Nuclear Research Institute's TRIGA Mark III reactor, in February 2012, with the cooperation of the International Atomic Energy Agency, the United States of America and Canada
- Ratifying the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material, in August 2012.

Mexico strongly condemns terrorism in all its forms and manifestations and is therefore working towards its prevention and suppression; it believes that the threat posed by dual-use materials for terrorist purposes demands international cooperation in the building, sharing and strengthening of capacities.

In keeping with this goal, in 2010, Mexico joined the Global Initiative to Combat Nuclear Terrorism, believing that this extra-conventional mechanism complements the efforts it undertakes in the field at other international cooperation forums.

In this context, on 23 and 24 May 2013, the Government of Mexico hosted the Eighth Plenary Meeting of the Global Initiative, with the participation of 250 representatives from 61 of the 85 partner nations and the 4 official observers.

Because Mexico has hosted mass events in recent years, it has endeavoured to strengthen its preventive and response capacities in the event of a weapons of mass destruction threat, through assistance and specialized training in chemical, biological, radioactive and combined explosive weapons. In that regard, it implemented a training programme in 2012, in collaboration with the Organization for the Prohibition of Chemical Weapons, the Inter-American Committee against Terrorism of the Organization of American States (OAS/CICTE) and the United Nations Interregional Crime and Justice Research Institute.

At the regional level, Mexico supports programmes for cooperation with OAS/CICTE:

- In this connection, Mexico and the secretariat of CICTE are currently developing a two-phase technical bioterrorism programme, which would require the active participation of various federal Government agencies for its implementation
- Mexico and CICTE have launched a programme to collaborate on the implementation of resolution 1540 (2004); the programme includes a two-year (2013-2014) comprehensive training plan designed to strengthen the federal Government's ability to develop and upgrade activities, strategies and policies to prevent the proliferation of weapons of mass destruction and their delivery systems.

As part of that plan, two specialized workshops on international best practices on export controls were held on 22-24 April and 24-26 July 2013, with the participation of officials from various export-control agencies, who had the opportunity to discuss with international experts from Argentina, Germany, Malta, Spain, the United Kingdom and the United States of America about their experiences in controlling exports of dual-use goods and material. One of the 1540 Committee experts, Enrique Ochoa, participated in the April workshop, while officials from the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean participated in the July workshop.

To comply with current domestic regulations in Mexico and as part of the Megaports Initiative, 17 fixed radiation detectors have been installed at the customs facilities in Altamira, Lázaro Cárdenas, Manzanillo and Veracruz.

The purpose of the Megaports Initiative is to enhance detection capabilities for special nuclear and other radioactive materials in ports, by equipping them with fixed and portable radiation detectors.

Personnel have also been trained at key cargo ports to enhance detection capacities at Mexican ports, in order to prevent the proliferation of weapons of mass destruction.